



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### SOUTHWEST REGIONAL OFFICE

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Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director

Jeffrey Hurst  
Regional Director

May 27, 2021

Mr. Randall Eads  
City Manager  
300 Lee Street  
City of Bristol, Virginia  
Bristol, Virginia 24201

### **WARNING LETTER**

Re: **WL No. 008-0527-SW**  
Bristol Integrated Solid Waste Management Facility  
Bristol Sanitary Landfill  
Solid Waste Permit ("SWP") Number 588

Dear Mr. Eads:

The Department of Environmental Quality ("DEQ" or "Department") has reason to believe that the Bristol Sanitary Landfill may be in violation of the Virginia Waste Management Act, Va. Code § 10.1-1400 *et seq.* ("Act"), the Virginia Solid Waste Management Regulations, 9 VAC 20-81-10 *et seq.* ("Regulations"), or SWP588.

This letter addresses conditions at the facility named above and also cites compliance requirements of the Act, Regulations, and SWP588. Pursuant to Va. Code § 10.1-1455 (G), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* ("APA"). DEQ requests that you respond **within 30 days of the date of this letter**.

### **OBSERVATIONS AND LEGAL REQUIREMENTS**

On April 16, 2021, DEQ Southwest Regional Office staff conducted a compliance evaluation inspection of the Bristol Sanitary Landfill. A copy of the inspection checklist, and

memo is attached. The following describe the staff's factual observations and identify the applicable legal requirements.

1. *Observations:* At the time of the inspection it was observed that the pump being used to convey gradient control water to the sanitary sewer system was not functioning properly. According to the facility contact there is a problem in the shaft of the pump, and with the cowl or top portion, which allowed gradient control water to come out of the top of the pump, (see attached memo). Although the escaped gradient control water is captured and returned to the system via a drain in the concrete pad, the pump system was not operating as intended. There was an odor observed that seemed to come from the gradient control water, that appeared soon after the pump was engaged.

At the time of the inspection it was observed that the "leachate center" pipe in the northwest clean-out for the leachate and gradient control system piping was broken at the top. A bucket had been placed over the broken portion of the pipe. A landfill gas smell seemed to come from the pipe area. The facility contact stated that the needed materials to repair the clean out apparatus were on-site, but it had not been repaired at the time of the inspection.

***Legal Requirements:*** Pursuant to 9VAC20-81-100.B, all solid waste disposal facilities shall be maintained and operated in accordance with the permit issued pursuant to this regulation, and in accordance with the approved design and intended use of the facility.

The facility permit, in PERMIT MODULE 1 GENERAL PERMIT CONDITIONS, section I.B.5 states "The permittee shall at all times properly operate and maintain all units (and related appurtenance) which are installed or used by the permittee to achieve compliance with the operations manual and the conditions of this permit."

### **ENFORCEMENT AUTHORITY**

Va. Code § 10.1-1455 of the Waste Management Act provides for an injunction for any violation of the Waste Management Act, Waste Management Board regulations, an order, or permit condition, and provides for a civil penalty up to \$32,500 per day of each violation of the Waste Management Act, regulation, order or permit condition. In addition, Va. Code § 10.1-1455 (G) authorizes the Waste Management Board to issue orders to any person to comply with the Waste Management Act and regulations, including the imposition of a civil penalty for

violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Waste Management Act and regulations. Va. Code §§ 10.1-1455(D) and 10.1-1455(I) provide for other additional penalties.

### **FUTURE ACTIONS**

After reviewing this letter, please respond in writing to DEQ **within 30 days of the date of this letter** detailing actions you have taken or will be taking to ensure compliance with state law and regulations. If corrective action will take longer than 90 days to complete, you may be asked to sign a Letter of Agreement or enter into a Consent Order with the Department to formalize the plan and schedule. *It is DEQ policy that appropriate, timely, corrective action undertaken in response to a Warning Letter may avoid adversarial enforcement proceedings and the assessment of civil charges or penalties.*

Please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No. 8-2005 posted on the Department's website under "Programs," "Enforcement," and "Laws, Regulations, & Guidance" (<http://www.deq.virginia.gov/Programs/Enforcement/Laws,Regulations,Guidance.aspx>) or ask the DEQ contact listed below.

Your contact at DEQ in this matter is Stephan Martin. Please direct written materials to his attention. If you have questions or wish to arrange a meeting, you may reach him directly at (276) 676-4840 or [stephan.martin@deq.virginia.gov](mailto:stephan.martin@deq.virginia.gov).

Sincerely,



Daniel Manweiler

SWRO Land Protection Program Manager

cc: Stephan Martin, SWRO Solid Waste Compliance Inspector  
Priscilla Fisher, CO Solid Waste Compliance Coordinator  
ECM – SWP588

## Compliance Inspection Report

### Inspection Summary

**Facility:** Bristol Integrated Solid Waste Management Facility  
**Permit:** SWP588  
**Region:** Southwest  
**Inspection Type:** Compliance Evaluation Inspection  
**Facility Staff:** Samuel Hess

**Inspector:** Stephan Martin  
**Inspection Date:** 4/16/2021  
**Approximate Arrival Time:** 1600  
**Inspection Method:** Announced  
**Exit Interview:** Yes  
**Weather Conditions:** partly cloudy

**Comments:** The facility had no cases of COVID-19 at the time of inspection. Records were provided electronically. Staff and landfill staff practiced social distancing during the inspection.

### Sanitary Landfill (Active)

Reference	Description	SL	Result
<b>Compliance Area: Operator Information</b>			
10.1-1408.1	Disclosure Statement	I	
10.1-1408.2	Operator Certification	II	✓
<b>Compliance Area: Recordkeeping, Reporting &amp; Permit</b>			
20-81-80	Waste Assessment Program	II	
20-81-100.B	Compliance with the facility's permit	II	X
20-81-100.E	Unauthorized waste program and inspection	II	✓
20-81-140.A.16	Facility self inspections	I	✓
20-81-140.A.17	Record maintained of waste received and processed	I	✓
20-81-485	Operations Manual	II	✓
20-81-530	Permittee recordkeeping and reporting	II	
<b>Compliance Area: Design, Construction &amp; Operation</b>			
20-81-130	Facility design / construction	I	
20-81-140.A.1.4	Safety and fire control	II	
20-81-140.A.6	Pollutant discharge	III	✓
20-81-140.A.7	Stormwater control system maintenance	II	✓
20-81-140.A.8,14-15	Facility operation, maintenance, and training	II	✓
20-81-140.A.9-13	Hazard and nuisance control	I	✓
20-81-140.B	Compaction, cover & working face	I	✓
20-81-610-660	Special Waste	II	
<b>Compliance Area: Closure &amp; Post-Closure Care</b>			
20-81-160	Closure requirements	II	
20-81-170	Post-closure care requirements	II	
<b>Compliance Area: Decomposition Gas Control</b>			
20-81-200.A,B,E	Decomposition gas concentrations, monitoring & recordkeeping	II	✓
20-81-200.C	Decomposition gas-remediation	III	
20-81-200.D	Decomposition gas-odor management	I	✓
<b>Compliance Area: Leachate Control</b>			
20-81-210	Leachate control	II	✓
<b>Compliance Area: Groundwater Monitoring</b>			
20-81-250	Groundwater monitoring program	II	✓
20-81-260	Corrective action program	II	
<b>Compliance Area: Landfill Mining</b>			



20-81-385 & 395	Landfill Mining	II
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SL = Severity Level

✓ = In Compliance

X = Alleged Violation

N/A = Not Applicable

Blank = Not Inspected

### Alleged Violations

Reference	Comments
20-81-100.B	<p>Compliance with the facility's permit - At the time of the inspection it was observed that the pump being used to convey gradient control water to the sanitary sewer system was not functioning properly. According to the facility contact there is a problem in the shaft of the pump, and with the cowl, or top portion that allowed gradient control water to come out of the top of the pump. Although the gradient control water is captured and returned to the system via a drain in the concrete pad, the pump was not operating as it was intended to operate. There was an odor observed that seemed to come from the gradient control water, that appeared soon after the pump was engaged.</p> <p>At the time of the inspection it was observed that the "leachate center" pipe in the northwest clean-out was broken at the top. A bucket had been placed over the pipe. A landfill gas smell seemed to come from the pipe. The facility contact stated that the needed materials to fix this were on-site, but it had not been repaired.</p> <p>All related appurtenances which are installed or used by the permittee to achieve compliance should be kept in proper operating condition at all times.</p> <p>Records reviewed for the inspection of incoming waste tonnage showed that the facility received and processed less than the 1600 TPD limit permitted for the period reviewed.</p>

### General Comments

Reference	Comments
10.1-1408.2	Operator Certification - The operators for this facility are listed at the end of this report.
20-81-100.E	Unauthorized waste program and inspection - The facility provided the log that shows several random inspections of incoming loads of waste were performed each week for the period reviewed. The composition of the load and inspector's initials are recorded. Loads originating from out of state appear to be inspected at the required rate of at least 10%.
20-81-140.A.16	Facility self inspections - Monthly self inspection records were provided upon request.
20-81-140.A.17	Record maintained of waste received and processed - Upon request the facility provided records of the waste received and processed in 2021.
20-81-485	Operations Manual - The operations manual was last certified on 12/28/2020.
20-81-140.A.6	Pollutant discharge - At the time of inspection, no discharges were observed at the balefill.
20-81-140.A.7	Stormwater control system maintenance - At the time of inspection, stormwater conveyances and controls appeared to be in good repair.
20-81-140.A.8,14-15	Facility operation, maintenance, and training - At the time of the inspection, roads were passable and maintained. Signs were present, and access was controlled to the landfill.
20-81-140.A.9-13	Hazard and nuisance control - The facility uses water trucks to control dust when necessary.
20-81-140.B	<p>Compaction, cover &amp; working face - Facility was mostly using trommel from SWP 498 and clay from the borrow on-site for daily cover at the time of the inspection. The facility had the required three days cover material located adjacent to the working face. Areas adjacent to the working face had adequate intermediate cover. The entire waste mass had recently had an approximate 2 foot layer of clay applied.</p> <p>At the time of the inspection, an anomaly was observed at the southeast corner of the balefill that was described as a "chimney". The rock wall of the balefill was discolored in an area, and the cause of the anomaly was unknown. There was no detectable smell observed at the time of the inspection, but it was stated that a chemical smell had been detected. Staff spoke with the facilities contractor Draper Aden and was told that initial readings at the anomaly showed high levels of carbon monoxide, and relatively low levels of oxygen and methane. The anomaly was to be monitored and further evaluated.</p>
20-81-200.A,B,E	Decomposition gas concentrations, monitoring & recordkeeping - No exceedances were noted in quarterly monitoring records reviewed for the inspection.
20-81-200.D	Decomposition gas-odor management - At the time of the facility inspection, the Odor Management Plan required in the deficiency letter dated January 11, 2021 was under final review.
20-81-210	Leachate control - Leachate is collected and metered into the sanitary sewer system.
20-81-250	Groundwater monitoring program - GW monitoring wells observed were locked and labeled and in good repair.

### Disclosure Statement Details



Key Personnel	Title
G. Wallace McCulloch	Director of Public Works
Mike Martin	Solid Waste Collections Manager
Randal Eads	City manager
Samuel Hess	Solid Waste Manager

Disclosure Statement Last Updated: 5/8/2018

### Waste Management Facility Operators

Licensed Operator	License #	Expiration Date
Franklin David Cachran II	4605003493	9/30/2020
Jeff Miles	4605002396	4/30/2021
Lee Edwin Stull	4605002784	1/31/2021
Michael Lynn Martin	4605002152	4/30/2021
Sam Hess	4605003670	8/31/2021

PLEASE advise the Regional Office within 10 calendar days if any information noted in this report is incorrect, if you have taken appropriate action to meet compliance, or if there is other information that the department should consider regarding any alleged violations.

PLEASE be advised that this report is not an agency proceeding or determination which may be considered a case decision under the Administrative Process Act (VA Code 2.2-4000 et seq). If informal discussions do not lead to a satisfactory conclusion on the contents of this report, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred.

# SITE VISIT MEMO

## Department of Environmental Quality

Tel (276) 676-4800  
Southwest Regional Office

355 Deadmore Street  
P. O. Box 1688

FAX (804) 698-4178  
Abingdon, Virginia 24212-1688

**SUBJECT:** Bristol Sanitary Landfill, Bristol, VA; SWP588; Formal Compliance Inspection conducted on April 16, 2021;

**TO:** ECM – SWP588

**FROM:** Stephan Martin

**DATE:** 05/27/2021

On April 16, 2021 a Formal Compliance Inspection was conducted by staff at Bristol Sanitary Landfill, Bristol, Virginia, Solid Waste Permit (SWP) 588. At the time of the visit, the weather was partly cloudy, the time of arrival was 1600. The attached pictures were taken on-site during the inspection. Please see the attached inspection report and Warning Letter (WL) number WL-008-0527-SW.

Picture #1 - View of gradient control pump area facing south





Picture #2 - View of the gradient control pump facing north

